

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR MARCH 7, 2007

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **March 7, 2007** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

11 present, one absent (Sorich excused due to illness)

PRAYER

Commissioner Fay led the commissioners in prayer.

APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2007 REGULAR MEETING

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Minutes of the February 21, 2007 Regular Meeting.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

Commissioner O’Leary moved that in accordance with the provisions of subsection 6 of Rule VI of the Rules and Order of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council, hereby finds that emergency conditions exist which requires that the Council rules be suspended to allow Resolution 07-17 and Communication 07-155 be added to the agenda of tonight’s meeting. The motion was seconded by commissioner Lee and carried on a verbal vote; the motion passed 11 to one with Commissioner Coleman voting nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE’S REPORT

Chief Executive Babb mentioned the ongoing preparations by the Public Works Department for St. Patrick’s Day. Also noted was the meeting to be held on Friday, March 09, 2007 where Butte is being considered to host a National Folk Festival. Mr. Babb also discussed the ongoing activities at the Butte Civic Center including Butte’s hosting of numerous high school tournaments and noted that the State B Boys basketball

tournament is here March 8-10th. He wished the Butte High teams success in Billings and Butte Central in Belgrade.

SECTION I

PUBLIC HEARING

FOR THE PURPOSE TO CONSIDER A RESOLUTION THAT WILL AMEND THE FY 06-07 BUDGET AND CREATE BUDGET AUTHORITY FOR THE RECEIPT OF UNANTICIPATED REVENUE FROM THE MONTANA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT. (Communication No. 07-60 being held in Committee of the Whole); Proof of Publication was noted as received and in order.

Jamie Paul gave the staff report for the Health Department, indicating the receipt of unanticipated revenue of \$20,907 from the MT Department of Health and Human Services. The funds are to be used for the purchase of operating supplies, travel and other expenses in support of the Title X Program within the Butte-Silver Bow Health Department.

Chief Executive Babb then opened the public hearing at 7:37 PM and called for proponents. On the third and final call, there being none, he called for opponents. Again, there was no response so he closed the public hearing at 7:38 PM.

SECTION II

INVITATION FOR BIDS

Chief Executive Babb noted that there are two bid openings under this section.

SEALED BIDS FOR TITLE AND LIEN SEARCH FOR THE 2007 TAX DEED PROCESS. (Communication No. 07-69) Proof of publication was noted as received and in order.

Rob Macioroski, Director of Land Records opened and read the two bids as follows:

Summit Valley Title	\$125.00 per parcel
MT Abstract & Title Co.	\$115.00 per parcel

Macioroski requested Council accept the low bid of MT Abstract & Title Co. It was moved by commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote.

SEALED BIDS FOR A NEW HYDRAULIC MINI EXCAVATOR. (Communication No. 07-99) Proof of publication was noted as received and in order.

Public Works Director John VanDaveer opened the only bid received, that being from Western States Equipment. The bid bond was reviewed and accepted and the bid was \$106,034.00. VanDaveer requested the bid be referred to the Public Works Department for review and report back. It was moved by commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote.

SECTION III

PRESENTATION COMMUNICATION NO. 07-121

JIM SMITHAM, EXECUTIVE DIRECTOR BUTTE LOCAL DEVELOPMENT CORPORATION, REQUESTING TIME ON 3/7/07 AGENDA FOR PRESENTATION ON SEMI-ANNUAL REPORT ON THE ECONOMIC AND COMMUNITY DEVELOPMENT ACTIVITIES OF THE BLDC.

Mr. Smitham provided a handout, which he reviewed in detail covering the following:

BLDC – BSB Communications
BLDC's Monthly report to Council
Annual Audit Report and IRS 990 form filed with Clerk & Recorder
BEAR (Business Expansion & Retention) Program
Job retention
Two expected start-up businesses in spring, 2007
Project activity
A review of the Anaconda-ARCO Loan Program

Commissioner Sheehy questioned about the helicopter school moving from Butte to Helena. Smitham responded that the school is opening R22 training in Helena but staying here with 17 staff members.

Smitham also indicated the BLDC will be applying for a new USDA Revolving Loan fund of \$750K with \$250K Board of Investments match in late March.

SECTION IV

PRESENTATION COMMUNICATION NO. 07-137

PAM ROBERTS AND EDWIN DOBB, RATTLESNAKE PRODUCTIONS, REQUESTING TIME ON THE 3/7/07 AGENDA TO SHOW PREVIEW OF DOCUMENTARY FILM TITLE "BUTTE AMERICA".

Edwin Dobb, writer and Butte native discussed an 8-year project for PBS Television; a film entitled "Butte America". The world premier is scheduled for the fall of 2007 at the Mother Lode Theatre. He discussed the extensive fund-raising effort that is ongoing, including a grant from the Murdock Trust. The film will be seen worldwide. Mr. Dobb showed a 15-minute trailer of the film.

It was moved by commissioner O'Leary, seconded by commissioner Lee and carried by a unanimous verbal vote to place Communication No. 07-137 on file.

Commissioner O'Leary advised Council that there is a difference tonight in the numbering of communications on the agenda vs. those in their notebooks. The agenda was noted as the correct sequence of numbering.

SECTION V

CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE REPORT
- B. Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for friendly amendments and segregations. Commissioner O'Leary called for a friendly amendments as follows:

Communication 07-135 correcting the presentation date from 3/13/07 to 3/14/07.

The Committee of the Whole Report of February 28, 2007 changing the recommendation on Communication 07-96 from "placing on file" to "hold in abeyance".

Commissioner O'Leary then called for segregation of the Consent Agenda of items 17 (07-129) and 18, (07-130). Commissioner Mulcahy called for segregation of the Consent Agenda of items 29 (07-142), 33 (07-147) and 38 (07-152).

Commissioner O'Leary then moved for adoption of the Consent Agenda, Section V-A, items 1 through 4 as corrected and Section V-B, items 1-39 excepting the segregations noted (Communications 07-129, 07-130, 07-142, 07-147 and 07-152). The motion was seconded by Commissioner Lee and carried with a unanimous verbal vote.

SEGREGATED ITEMS

COMMUNICATION NO. 07-129 - LORI CASEY, SENIOR PLANNER, REQUESTING CONDITIONAL APPROVAL OF THE HIGHLAND MINOR SUBDIVISION.

Commissioner O'Leary discussed Foothill Road in his area, which is a platted and dedicated road. This communication calls for the applicants to be responsible for improvements to Foothill Road; O'Leary asked County Attorney McCarthy whether a private party can improve public land.

County Attorney McCarthy stated this is not a new problem in that prior staff and planning boards have allowed subdivision plats that are not improved and the roads never got improved; some of those roads being more than 100 years old. McCarthy identified problems as:

- 1. Allowing roads to be improved without B-SB standards
- 2. Private roads
- 3. Victimizing properties
- 4. It will take general tax dollars to improve

5. Creates liability for B-SB
6. Should never allow past actions to happen again.

O'Leary questioned McCarthy whether a private property owner can improve public land. McCarthy responded that they couldn't because B-SB's insurance carried will not support such action. McCarthy further stated that when work is done on public roads – if you change the road – you have liability for that road and that engineering must be involved. If B-SB uses our crews for minimum maintenance, “may” be OK. As a general rule, McCarthy stated that to allow volunteers to work on public roads and land is dangerous from a liability standpoint.

Public Works Director John VanDaveer concurred with McCarthy in that past obligations were not fulfilled. O'Leary then suggested sending this back to the Planning Department for further work. McCarthy asked Steve Hess if there are deadlines to be concerned with in the Mt Subdivision Laws. Hess responded that there is a 60-day deadline.

Hess then noted this is not a platted subdivision and had been given to B-SB in the 70's by the Anaconda Co. He questioned what he should require of applicants. He thought this could be delayed 30-60 days if the applicant agrees. O'Leary stated he does not want to deny the request but can't pass in present form.

Commissioner Coleman noted that he sits on the Planning Board and this was considered at length, but was moved forward because this is a preliminary plat not a final. Hess noted the applicant has one year to file the final plat. O'Leary questioned whether it's possible for the developer to hire licensed and approved engineering firm to develop the road on public property. McCarthy noted that it would have to be a competitive bid and should meet minimum standards. He further stated that if buyers move on the property the real problem is providing emergency (law enforcement and ambulance) services. McCarthy noted that if Council refuses to act, it's automatically approved.

O'Leary noted that with the number of minor and major subdivisions we receive, we need to do it right, but not certain we have the dollars to develop the roads and streets.

Hess noted that Ms. Casey had called the applicants and they are agreeable to a 30-day delay. Coleman stated that Council needs to look at the infrastructure on the south end, it's not the developers' responsibility, but B-SB's for not improving.

O'Leary motioned, with a second by Commissioner Lee to refer back to the Planning Dept. to work on, but McCarthy told them it's too late once it's in Judiciary, Committee. O'Leary stated that his intent is to allow time to avoid denial since the applicant cannot improve public land without incurring liability.

COMMUNICATION NO. 07-130 - STEPHEN D. HESS, ACTING PLANNING DIRECTOR, REQUESTING CONDITIONAL APPROVAL OF FINAL PLAT OF THE RML MINOR SUBDIVISION.

Commissioner O'Leary noted that the conditions of a preliminary plat have not been met and there is potential for a final plat to be approved without weed plans, etc., getting

done. He suggested passing with the agreement that staff come back one time with a letter that all conditions have been met before the final plat gets filed.

Steve Hess concurred and will send a letter to Council after all conditions are met.

It was moved by Commissioner O’Leary and seconded by Commissioner Lee and carried by a unanimous verbal vote to hold Communication 07-129 in abeyance pending further review by the Planning Department in consultation with the applicant.

It was then moved by Commissioner O’Leary and seconded by Commissioner Lee and carried by a unanimous verbal vote to concur and place Communication 07-130 on file with the agreement that a staff report comes to Council before a final plat is filed.

COMMUNICATION NO. 07-142 – JEFF AMERMAN, FINANCE AND BUDGET DIRECTOR, REGARDING REQUEST FOR \$174,712 LOAN PAYMENT TO BUTTE LOCAL DEVELOPMENT CORPORATION.

It was moved by Commissioner Mulcahy, seconded by Commissioner Coleman and carried by a unanimous verbal vote to send to Finance and Budget to work on and report back to Council.

COMMUNICATION NO. 07-147 – PAUL BABB, CHIEF EXECUTIVE, REQUESTING CONCURRENCE IN APPOINTMENTS TO THE LAW ENFORCEMENT COMMISSION.

Commissioner Mulcahy thanked prior Police Commission members for their service (Pat Fleming, Ron Cass, Jack McCormick, Emmett Fogarty and Craig Thomas). Mulcahy expressed concern over the whole commission being replaced, removing the whole knowledge base and recommended it be managed yearly.

Chief Executive Babb responded that it was a long-standing commission and he had asked them a simple question – Why do you want to be on the Police Commission? Babb felt their response was “all or none”, so he replaced all of them. Mulcahy disagreed with how it was handled, stating that in May, 2006, the Montana Standard published that Babb was interested in finding volunteers; the Commission then in place should not have to wake up and find in the paper that Babb was looking for a new Board.

Babb responded that Mulcahy was entitled to his opinion, but that he had made an executive decision. Commissioner Coleman concurred with Mulcahy. Commissioner O’Leary stated that it is the Chief Executive’s prerogative to appoint board members.

Mulcahy questioned County Attorney McCarthy whether the Chief Executive could remove board members any time he wishes or should he wait until terms are up. McCarthy responded that to removed someone before the end of his or her terms can only be done “for cause” but requires a hearing before Council for approval. McCarthy stated this is not his opinion but is fact and has not been managed properly.

Commissioner Sheehy asked McCarthy if reappointment is not made, is it an automatic rollover? McCarthy responded “yes” and that if the Board members did not resign, they should have been automatically reappointed by law (04-07, 05-08, 06-09, etc.). Mulcahy asked if resignations are required since no letters were submitted by prior commission members. McCarthy stated that he had not been consulted or involved in the process. O’Leary asked if this was state law to which McCarthy responded it was court interpretation. Chief Executive Babb then asked McCarthy how to proceed and McCarthy advised that resignations should be sought. Babb asked if verbal resignations were OK and McCarthy responded they were not.

Commissioner Coleman moved to invite those replaced to a meeting to clarify. There being no second to the motion, the motion died.

McCarthy advised Babb to seek resignations. Babb asked if the new appointments should be held pending receipt of resignations to which McCarthy responded “yes”

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to send Communication 07-147 back to the Chief Executive pending receipt of resignations from current Board.

COMMUNICATION 07-152 – RUSS CONNOLLE, ECONOMIC DEVELOPMENT DIRECTOR REQUESTING COUNCIL AUTHORIZE REPRESENTATIVES OF LOST DOLPHIN ENTERPRISES, LLP TO COMMUNICATE WITH UTILITY SUPPLIERS AND GENERATORS AND AUTHORIZE THE CHIEF EXECUTIVE TO SIGN ANY COMMUNICATION IN THIS REGARD.

Commissioner Mulcahy stated he believes this request could be a costly learning experience for B-SB after he’d discussed with experts in the energy field. Mulcahy was told we’ve wasted \$60,000 and could have gotten the same information from those involved in the process. He could not find why we should authorize to commit to support at this stage when it will take years. and millions of dollars to do it right. Mulcahy felt that if we’re not certain what this does, we should hold it. He questioned whether the March 12th scheduled report will show what the \$60K bought us. Mulcahy stated that if we invest \$2 million and 2-4 years to develop, we can get help to identify those who can get us through the process. Commissioner Coleman concurred, recommending that we hold until reports are received.

Commissioner Moodry also requested more information on the TIFID before Finance and Budget Committee gets contracts for Chief Executive to enter into. Moodry also concurred with Mulcahy stating he is not informed enough to sign the appropriation.

Commissioner Shaw asked Connolle if there was a bid put out for this. Connolle responded “yes”, that it was public advertised and went through the whole process. He said there were two respondents and their packages went through a full analysis and signed by the Chief Executive on January 25, 2007.

Commissioner O'Leary suggested developing specs for a feasibility study and asked Connole his thoughts on waiting a few days. Connole responded that the goal of the project is to develop energy. In 2006, Connole investigated different technologies (wind, solar, etc.). His source was via REC Silicon (ASiMI). Connole stated the issue here is energy and the dollars were well spent in effort to entice business. The \$60K as approved by the TIFID Board.

Mulcahy asked if Council can expect a report by March 25. Connole responded that the TIFID Board has authorization in Montana Code to make contracts. Mulcahy asked County Attorney McCarthy who has administrative authority over the TIFID Board.

McCarthy responded the TIFID was authorized by the legislature in 1980 on the tail end of the urban renewal law. The focus was to improve blight in urban areas; McCarthy recalled the history of zoning laws in MT from the 1920s up to and including Urban Renewal adopted in 1959. McCarthy stated that in 1985, 1989, 1991 and 1999, TIFIDs added on to Urban Renewal, but noted there are no details in law. B-SB created own Ordinance, which URA adopted to implement UR laws in MT law from Federal legislation. McCarthy noted no sense of unity among provisions of TIFIDs vs. URA; there's no structure provided for TIFIDs; law refers to municipalities.

McCarthy stated all claims must go to the Finance & Budget Department, then to Council for approval. He reminded Council that governments have been written up in audits for not following the process. He stated that the State of MT has the Legislative Auditor's Office (LAO); the legislature does not approve every claim. Our URA has an auditor to review each claim, but the TIFID does not have a similar process. McCarthy again stated that since there's no structure in MT law for TIFIDs, Council should be seeing every TIFID claim so each can be audited. Mulcahy stated that a contract once approved by Council is "our" contract. McCarthy stated the TIFID Board can issue contracts per the Ordinance. Per McCarthy, state law assigns responsibility for these claims to Council.

Mulcahy stated that this is not a Council contract, but Council must watch closely and not issue blanket authority of this and like requests.

Commissioner Frasz also looked at this request. He noted the legislature is trying to develop energy sources to compete in economic development. He said Council should not pass the buck quickly, but look at closely.

Babb stated that economic development will center on energy and noted that Commissioner Lee sits on the TIFID Board and they conduct open meetings. He stated B-SB has a problem if there's no trust in the Director or TIFID Board. He continued that the infrastructure must be in place when industry comes knocking and B-SB will be a leader in conjunction with the State and Evan Barrett.

Mulcahy agreed, but noted this contract is only for a proposal – to develop learning and structure for a proposal to find consultant to develop the TIFID.

Connole noted the whole contract and scope and indicated Mulcahy was inaccurate. Part is to identify areas in feasibility study; high potential areas for renewable energy.

Coleman's noted is problem with carte blanche authority to Babb; could be a letter of support, but could also be much more and he prefers to see Lost Dolphin's report.

Connole countered with this being part of the scope; it's open-ended since will have to contact PPL, Northwestern and others. To move forward, Connole needs authority to move forward and ask questions, giving Lost Dolphin the option.

Coleman noted it odd the original contract did not contain the requested authorization.

Commissioner Sheehy asked if this was an extension of the contract and whether the Lost Dolphin report will be in on March 12 or 25.

O'Leary noted his concern for the level of trust with the Chief Executive and his staff.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and approved on a verbal vote of 11 yeas and one nay to approve the request and place Communication 07-152 on file. Commissioner Coleman cast the nay vote.

Mulcahy noted he appreciated the information and would not be concerned from the original, but does want a timeline from Lost Dolphin; cannot set in stone as to when to expect.

Connole stated he will make every effort to compel Lost Dolphin to meet the contract.

SECTION VI COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-119 JOHN VANDAVEER AND JEFFREY L. MILLER, REQUESTING CONCURRENCE TO PROCEED WITH REMOVAL AND DISPOSAL OF STRUCTURE AT 617-1/2 SOUTH JACKSON STREET.

Commissioner O'Leary noted this building was part of training by Volunteer Fire Departments, i.e. I.C. School last year and noted his forthcoming motion was actually in two parts.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the request and place Communication 07-119 on file.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote for a new policy to require any proposals for training first come to Council for approval allowing Commissioner in the respective District to visit with residents and neighbors.

Coleman noted the need to ensure volunteer departments are aware of the new policy.

**2. 07-146 PAUL BABB, CHIEF EXECUTIVE REQUESTING TIME ON 3/7/07
AGENDA TO DISCUSS THE TAX INCREMENT FINANCING
DISTRICT (TIFID).**

Babb acknowledged there are both questions and confusion with the TIFID. Babb had gathered information and presented it “FYI” to the Commissioners but with no debate tonight on the information. Babb stated that we need to identify what’s right and recognize it, and identify what’s wrong and correct it, but must go back to the TIFID Board to resolve issues. The handouts included:

Ordinance 365 – November, 1989 (established TIFID #1)
Ordinance 366 – November 1989 (established intent of the
TIFID Board, purpose and intent, appointments, program
administration, etc.

#2 – Making and executing contracts;

Pg. 4, #12 – Allocation vs. spending;

Pg. 6 – Annual reports; Connole to make at month-end;

Copy of MT Code – Codification and MCA;

Copy of TIFID By-Laws;

Ordinance 424 – May 20, 1992 (TIFID #2);

Ordinance 523 – October 18, 1995;

2006 TIFID Program passed;

MCA Parts 42 & 43;

Information on budget process (Chief Executive to prepare
and submit;

7-15-4211 and 7-15-4281

TIFID Minutes
Budget 1991-1997
1998 – Rody Holman
2002

Mulcahy reminded Babb he'd said this would not be debated tonight but questions whether Council was headed that direction. Babb responded that the information was "FYI" only.

Commissioner Sheehy questioned whether the TIFID should have an auditor. McCarthy said the TIFID is a creation of the Council; no legitimacy in MT law and it exists at Council's pleasure. McCarthy again noted that TIFIDs were created on the last day of a legislative session. The first in Butte was the Safeway Warehouse, which never materialized; the second was created for ASiMI, providing jobs and taxes. Every TIFID claim for ASiMI came to Council for review and there was no money in the TIFID until ASiMI existed for a while. The TIFID provides structure "similar" to the URA. McCarthy again stated that MT law requires all claims be approved by the Council of Commissioners, saying: "The only reason the TIFID exists is because you say it does".

O'Leary stated that the TIFID created no dollars until ASiMI and the dollars generated are for the benefit of the community.

McCarthy countered that the dollars generated are not for the community, they are only for the TIFID.

O'Leary countered asking what Council is afraid of and said the TIFID should be looked at as a blessing which will ultimately benefit all of us.

Coleman said he's not out to fight with anyone but has lost faith in the TIFID Director. Coleman takes seriously his position on the Finance and Budget Committee and has to raise questions. He represents his constituents that elected him and works hard at it.

Mulcahy agreed with the questions and concerns, stating they should be dealt with at the TIFID Board level. He stated the Board should proceed and have unity as a Board in the direction the TIFID is going and has full respect for that process.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to place Communication 07-146 on file.

3. 07-154 JIM SMITHAM, EXECUTIVE DIRECTOR, BLDC, REQUESTING COUNCIL APPROVE RESOLUTION GRANTING BUTTE-SILVER BOW THE AUTHORITY TO SUBMIT THE CDBG-ED GRANT/LOAN FOR MASTER GROUP INTERNATIONAL, LLC.

Commissioner O'Leary noted that the resolution presented was not in our format. County Attorney McCarthy concurred stating it would have to be redone in standard format.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote hold in Committee of the Whole for Smitham and McCarthy to provide correct format and presentation.

SECTION VII

ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 07-11

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE WOODARDS MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-12

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE WHISKEY GULCH MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-13

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE HIGHLAND RIDGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 07-14

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RML MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 07-15

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE BELLA ESTATES MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA;

PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN
CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION VIII

ORDINANCES – 2ND READING

1. COUNCIL BILL NO. 07-3 ORDINANCE NO. 07-3

AN ORDINANCE AMENDING CHAPTER 10.52.020 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “PARKING”; AMENDING SECTION 10.52.020 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); PROVIDING THAT PARKING BE PROHIBITED ALONG THE WEST CURB LINE OF FARRAGUT AVENUE A DISTANCE OF 60 FEET NORTH FROM ITS INTERSECTION WITH AMHERST AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays with one absent to place Council Bill No. 07-3, Ordinance No. 07-3 on second reading and passed having been deemed fully read at length.

SECTION IX

ORDINANCES AND RESOLUTIONS – FINAL READING

1. COUNCIL BILL NO. 07-2 ORDINANCE NO. 07-2

AN ORDINANCE AMENDING CHAPTER 10.48 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “MISCELLANEOUS DRIVING RULES”; ADDING A NEW SECTION ENTITLED “DRIVING WITHOUT MOTOR VEHICLE INSURANCE PROHIBITED” TO BE NUMBERED SECTION 10.48.165; PROVIDING FOR A SURCHARGE AS SET FORTH IN SECTION 10.96.010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays with one absent to place Council Bill No. 07-2, Ordinance No. 07-2 on final reading and passed having been deemed fully read at length.

2. COUNCIL RESOLUTION NO. 07-09

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN A SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1027, FOR THE PURPOSE

It was moved by commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays with one absent to place Council Resolution No. 07-9 on final reading and passed having been deemed fully read at length.

It was moved by commissioner O’Leary, seconded by commissioner Lee and carried by a roll call vote of 11 yeas and no nays with 1 absent to suspend the rules for the purpose of passing Council Resolution 07-17 by waiving subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

It was moved by commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays with one absent to place Council Resolution No. 07-17 on final reading and passed having been deemed fully read at length.

Commissioner O’Leary questioned Mr. McCarthy whether Resolution 07-13 dealing with the Highland Ridge Minor Subdivision should not have been referred to Judiciary. Per Mr. McCarthy, it is OK for the Resolution to remain in Judiciary for further review.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 10:47 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER